



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUN 28 2017

CERTIFIED MAIL 7016 0600 0000 3846 8234  
RETURN RECEIPT REQUESTED

City of Jackson  
c/o Mr. Jerriot Smash  
Interim Director  
Department of Public Works  
P.O. Box 17  
Jackson, Mississippi 39205-0015

Re: 7<sup>th</sup> and 8<sup>th</sup> Semi-Annual Report Disapproval Notification  
Consent Decree, Case No.: 3:12-cv-790 TSL-JMR

Dear Mr. Smash:

The EPA is in receipt of the City of Jackson's (the City's) revised 7<sup>th</sup> Semi-Annual Report, dated May 17, 2017, and the City's 8<sup>th</sup> Semi-Annual Report, dated March 31, 2017, submitted pursuant to Paragraph 57.b of the Consent Decree (CD). The EPA previously disapproved the City's first submittal of the 7<sup>th</sup> Semi-Annual Report in a letter dated January 19, 2017.

After consultation with the Mississippi Department of Environmental Quality (MDEQ), the EPA has concluded that both of these Semi-Annual Reports are lacking in any specific details or description of the Work (as defined in Paragraph 8(rr) of the CD) completed during the past 6 months and scheduled for the next 6 months as required pursuant to Paragraph 57.b of the CD. As set forth in Paragraph 57.b. of the CD, the Semi-Annual Reports must include a description of not only projects and activities completed and milestones achieved during the previous applicable six (6) month period but also projects and activities to be performed and milestones anticipated to be achieved in the successive applicable six (6) month period pursuant to the requirements of this Consent Decree. Such descriptions should have been in Gantt chart or similar format and included a description of the status of compliance or non-compliance with the requirements of this Consent Decree and, if applicable, the reasons for non-compliance. If any non-compliance could not be fully explained at the time a report was due, then the City should have included a statement to that effect in the report. The City was also to have investigated to determine the cause of any non-compliance and then submitted an amendment to the report, that included a full explanation of the cause of the non-compliance, within thirty (30) days after submission of the Semi-Annual Report. Please find enclosed Enclosure 1 for more EPA comments regarding these Semi-Annual Reports.

As a result, both Reports are hereby disapproved pursuant to Section V of the CD. Pursuant to Paragraph 13 of the CD, the City shall, within 30 days of receipt of this letter, resubmit the 7<sup>th</sup> and 8<sup>th</sup> Semi-Annual Reports correcting all deficiencies. Please note that stipulated penalties are accruing for both of these

Semi-Annual Reports pursuant to Paragraphs 14 and 66 of the CD.

If you have questions regarding this notice and information request, please feel free to contact Mr. Dennis Sayre at (404) 562-9756.

Sincerely,



Maurice L. Horsey, IV, Chief  
Municipal & Industrial Enforcement Section  
NPDES Permitting & Enforcement Branch

Enclosure

cc: Mr. Les Herrington, P.E.  
Mississippi Department of Environmental Quality

Mayor Tony Yarber  
City of Jackson

Mr. Terry Williamson  
City of Jackson

## Enclosure 1

This enclosure provides specific comments regarding Semi-Annual Reports No. 7 and 8 (SA 7 and SA 8) to be used by the City as guidance in resubmitting the SA Reports. Using the City's format found in SA Reports No. 7 and 8, the following comments are provided:

1. Copying and pasting paragraphs from the Consent Decree (CD) into the report is not necessary and simply clutters the report, with exception of that found in Section 1.0 *Introduction*. References to CD requirement are sufficient, (e.g. Pursuant to Paragraph X *or* in accordance with Paragraph X of the CD *or something similar*).
2. Section 1.0 Overview. No comment.
3. Section 2.1.1 *West Bank Interceptor Work Plan*.
  - a. *Significant milestones reached this period...* The information provided in SA 7 is useful and probably adequate for this section in the report. Table 1 in SA 8 is also useful and should be retained for all SA reports until, at minimum, the West Bank Interceptor rehabilitation is completed.
  - b. *Significant milestones anticipated to be completed...* SA 7 does not indicate that any work will be completed in the next 6 months. SA 8 Table 1 indicates that work was completed (e.g. cleaning and rehab for Segments IT0098-IT0118). Include in your SA reports any work that is anticipated to be completed and any brief summary of work, (e.g. what rehab work was awarded in the contract for Segments IT0098-IT0118?).
4. Section 2.1.1.1 *West Bank Interceptor Flow Monitoring*.
  - a. The monthly summary reports attached to SA 7 does not provide the applicable month in which the data were collected.
  - b. The data provided does not include dry weather rate and wet weather (peak) flow rate or an estimation of infiltration and inflow (reference Paragraph 22(b) of the CD and Section 5.1 of the West Bank Interceptor Work Plan). This data should be included in the SA Reports.
  - c. A discussion concerning what the flow monitoring data means should be included in the SA Reports.
5. Section 2.1.1.2 *West Bank Interceptor Condition Assessment*
  - a. *Significant milestones reached this period...* There is no meaningful information provided in SA 7 that describes any assessment work conducted for this reporting period and there is no information at all concerning any assessment work for the West Bank Interceptor in SA 8.

b. *Significant milestones anticipated...* There is no meaningful information provided in SA 7 that describes any assessment work conducted for this reporting period and there is no information at all concerning any assessment work for the West Bank Interceptor in SA 8. "Continue implementation of the WBI Rehabilitation Plan" is not an acceptable description of anticipated work.

c. Items that should be included in the SA Reports concerning assessments of the West Bank Interceptor, and any other sewer system assessment work, includes, but is not limited to:

- i. Number of manholes/structures and lengths of pipe inspected.
- ii. Smoke/Dye or other forms of testing
- iii. CCTV linear feet completed
- iv. Easement inspections
- v. Rehabilitation work completed or anticipated for the next SA Report with brief summary of work.
- vi. A summary of structural defects analysis results.
- vii. A description of any delays in work and how the delay impacts the work that was anticipated to be completed during the applicable reporting period.

#### 6. Section 2.1.2 *Sewershed Prioritization Work Plan*

a. *Significant milestones reached...* There is no meaningful information provided in SA 7 and SA 8 Reports that describes any prioritization work conducted during the applicable reporting periods. "Continue work/Continue to research/Continue Pump Station assessments..." is not an acceptable description of work completed.

b. *Significant milestones anticipated...* There is no meaningful information provided in SA 7 that describes any prioritization work anticipated for the next reporting period. "Continue to work/research/develop..." is not an acceptable description of anticipated work.

c. Items that should be included in the SA Reports concerning assessments of the West Bank Interceptor prioritization work, and any other sewer system prioritization work, includes, but is not limited to:

- i. The mapping work that was completed and/or anticipated to be completed in the next 6 months.
- ii. The City reported researching "as-built" drawings. While this may be helpful information, the report is silent on how many drawings were researched or what the City plans to do with the as-built drawings during, or after the research. The number of as-built drawings researched is less important than what the final outcome will be once the research is concluded.

- iii. The specific work accomplished in support of the hydraulic model development and the remaining work to be accomplished for full implementation of the hydraulic model.
- iv. Information regarding pump station assessments. Provide a list of pump stations (PS) assessed with the following information:
  - 1. PS name and location.
  - 2. Type of assessment conducted.
  - 3. Results of the assessment.
  - 4. Recommended rehabilitation if needed.

#### 7. Section 2.1.3 *Sewershed Evaluation Plan*

- a. This plan was approved on June 17, 2014, yet the City has reported “no milestones accomplished...” and “no milestones anticipated...” in every SA Report for the past three years. Please explain in detail why the City has failed to implement this plan in your SA 7 resubmittal. Include in your explanation the ramifications that such delay will have on the City’s compliance with the CD, to include an acknowledgement that stipulated penalties may be assessed for non-compliance.
- b. Same general comment as in #6 above concerning *Significant milestones reached.../ Significant milestones anticipated...* for the Sewershed Evaluation Plan.
- c. Items that should be included in the SA Reports concerning evaluation work completed during the applicable reporting period or anticipated to be completed in the next 6 months pursuant to the Sewershed Evaluation Plan and any other sewer system assessment work, includes, but is not limited to:
  - i. Status of mapping and GIS development/activity.
  - ii. Status of hydraulic modeling activity, including hydrographic information.
  - iii. What was assessed and how.
  - iv. Results of assessment.
  - v. Location of flow meters and rain gauges along with a summary of data collected. A map would be helpful.
  - vi. Explanation of results of flow monitoring and rain gauge data to include an infiltration and inflow evaluation.
  - vii. A summary of data, events, accomplishments, plans and any other relevant information regarding work accomplished.
  - viii. Compliance status, including reasons for non-compliance and any reasons to believe that the City anticipates non-compliance in the foreseeable future.
- d. Table 3-1 of the Sewershed Evaluation Plan specifies 46 locations for which the City has obligated to install flow monitoring devices. Have these flow monitors been installed and monitored as outlined in the plan? If so, provide map of monitoring locations and status of the monitors in SA 8 resubmittal. Also provide the location of any rain gauges